IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,	)	
	)	2 CA-CR 2005-0392
Appellee,	)	DEPARTMENT A
	)	
v.	)	MEMORANDUM DECISION
	)	Not for Publication
STANLEY ERNEST RIMER,	)	Rule 111, Rules of
	)	the Supreme Court
Appellant.	)	
	)	

APPEAL FROM THE SUPERIOR COURT OF MARICOPA COUNTY

Cause No. CR2004-010600-001 DT

Honorable Warren J. Granville, Judge

AFFIRMED

James J. Haas, Maricopa County Public Defender
By Edward F. McGee
Phoenix
Attorneys for Appellant

P E L A N D E R, Chief Judge.

¶1 After a jury trial, appellant Stanley Ernest Rimer was convicted of six counts of sexual conduct with a minor, two counts of child molestation, and one count of sexual abuse. All counts were found to be dangerous crimes against children, and all but the crime of sexual abuse are class two felonies; sexual abuse is a class three felony. The trial court

imposed consecutive, presumptive terms of imprisonment on all nine counts totaling 159 years.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating that he has thoroughly reviewed the record on appeal and has found no meritorious or arguable issues to raise. He asks this court to search the entire record for error and directs our attention to fifteen issues raised by Rimer, who has filed a supplemental brief raising several more issues. Finding no error, we affirm.

¶3 All the charges against Rimer arose from allegations he had taken Aileen Videski, the victim, as his third "wife" when she was eleven years old and had thereafter engaged in frequent sexual activity with her.[1] Rimer was legally married to a woman named Helen and had taken Aileen's mother, Janice Rimer, as his second "wife" before entering into the arrangement that had included Aileen. The polygamous arrangement had remained a family secret until Aileen left Rimer at age twenty and alerted authorities to the history of abuse.

¶4 Through counsel, Rimer first claims the jury selection process rendered his trial "unfair, because . . . the panel was asked questions suggesting" he was affiliated with a polygamist community in Colorado City, Arizona. Our review of the record shows

[1]The victim previously used the name Aileen Rimer but testified she had changed her name in June 2005.

Colorado City was mentioned during voir dire to only two persons who became members of the jury that found Rimer guilty. In neither of those instances does the record support the claim that the questions asked were suggestive of any such affiliation.

¶5 Rimer next asserts, through counsel, that "two jurors engaged in misconduct by discussing his case over the noon hour, at a restaurant where his son [a witness] and his lawyer were having lunch." The record shows the trial court and counsel questioned the jurors about the encounter. The jurors denied having discussed the case or having been influenced by the chance meeting, which had prompted one of the jurors to say, "[S]peak of the devil," upon seeing Rimer's attorney enter the same restaurant. Rimer's claim lacks factual support in the record, and we therefore reject it.

¶6 Rimer next asserts, through counsel, "the prosecutor used lies to secure an order . . . barring him from all communications while in jail," thus preventing him "from retaining a private detective and expert witnesses," which led to "the confiscation of a letter of character reference from his daughter, Amber." We presume the order to which counsel alludes is the court's January 2005 order precluding Rimer from communicating with his codefendant, Janice Rimer, and prohibiting both Janice and Rimer from communicating with the state's witnesses. Rimer was represented by counsel, whose communications the order did not restrict. The record does not support Rimer's claim that he received a less than fair trial as a result of the order restricting his direct communication with the state's witnesses.

¶7 Rimer also accuses the court and the state of "exhibit[ing] religious bias" by "ridiculing his claims of having performed miraculous cures of his wife and in branding him as a crackpot or religious zealot." The state's theory of the case was that Rimer had used his purported religious beliefs as a "con" or "smokescreen" to exploit the victim's and her family's Mormon faith and, ultimately, gain sexual access to the victim as part of a plan to restore the practice of polygamy. In light of the evidence, the state's theory was a reasonable one. More importantly, the evidence overwhelmingly supported the jury's verdicts that Rimer had committed the crimes with which he was charged, regardless of what role, if any, religion had played in his relationship with the victim or other witnesses. We have found nothing in the record to suggest his prosecution or convictions were motivated by religious bias and therefore reject his claims to the contrary.

¶8 The remainder of the issues raised fall into three general categories. Several of the issues are most accurately characterized as claims of ineffective assistance of counsel. Such claims may not be raised on direct appeal. *State v. Spreitz*, 202 Ariz. 1, ¶ 9, 39 P.3d 525, 527 (2002). We therefore do not address them.

¶9 The second category consists of various claims that witnesses lied, lacked credibility, or offered conflicting testimony. Witness credibility was a matter for the jury, as the trier of fact, to determine. *See State v. Hall*, 204 Ariz. 442, ¶ 55, 65 P.3d 90, 103 (2003). On appeal, "we view the facts in the light most favorable to upholding the jury's verdict and resolve all reasonable inferences against the defendant." *State v. George*, 206

Ariz. 436, ¶ 3, 79 P.3d 1050, 1054 (App. 2003). We are satisfied that reasonable evidence supports the jury's verdicts.

¶10 The remaining issues involve Rimer's claims that certain evidence was "withheld" or precluded. In context, we understand Rimer's repeated use of the word "withheld" to refer to evidence which he either did not seek to introduce at trial or sought to introduce but could not by virtue of the trial court's evidentiary rulings. In any event, we have found no indication that the state failed to disclose relevant evidence or that the trial court committed any reversible error in its evidentiary rulings.

¶11 Pursuant to our obligation under *Anders*, we have reviewed the entire record. Our review has shown the presence of no errors that can be characterized as fundamental and prejudicial. Accordingly, we affirm Rimer's convictions and sentences.

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JOHN PELANDER, Chief Judge

CONCURRING:

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JOSEPH W. HOWARD, Presiding Judge

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GARYE L. VÁSQUEZ, Judge